



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/495,751 | 02/01/2000 | Paul Ignatius | 044463.0020 | 5252 |

7590 07/03/2003

BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP
900 Third Avenue
New York, NY 10022

EXAMINER

JACOBS, LASHONDA T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2157

DATE MAILED: 07/03/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

gzh

Office Action Summary

Application No.

09/495,751

Applicant(s)

IGNATIUS ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 08 May 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2157

DETAILED ACTION

Response to Amendment

This Office Action is in response to amendment filed on May 8, 2003. Claims 1-2 are presented for further examination. Claims 3-6 are newly added by Applicant are also present for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Casagrande et al (hereinafter, "Casagrande", PCT WO 98/39707).

As per claim 1, Casagrande discloses a data storage system having at least one storage device for storing a file, the data storage system comprising:

- a destination data mover (abstract, and pg. 7, lines 4-12); and
- a source data mover, communicatively coupled to at least one storage device that analyzes the file to determine whether to send the file to the destination mover in chunks (abstract, pg. 2, lines 4-21, pg. 6, lines 21-24, pg. 7, lines 1-12, and pgs. 16-20).

As per claim 2, Casagrande discloses a data storage system having at least one storage device for storing a file, the data storage system comprising:

Art Unit: 2157

- a destination data mover (abstract, and pg. 7, lines 4-12); and
- a source data mover, communicatively coupled to at least one storage device that sends the file to the destination data mover in chunks along with header information instructing the destination data mover regarding the (abstract, pg. 2, lines 4-21, pg. 6, lines 21-24, pg. 7, lines 1-12, and pgs. 16-20).

As per claim 3, Casagrande discloses a data storage system having at least one storage device for storing a file, the data storage system comprising:

- a destination data mover (abstract, and pg. 7, lines 4-12); and
- a source data mover, communicatively coupled to at least one storage device, for determining, according to characteristics of the file, whether to send the file to the destination mover in chunks (abstract, pg. 2, lines 4-21, pg. 6, lines 21-24, pg. 7, lines 1-12, and pgs. 16-20).

As per claim 4, Casagrande discloses:

- wherein the source data mover determines whether to send the file in chunks according to the file format (abstract, pg. 2, lines 4-21, pg. 6, lines 21-24, pg. 7, lines 1-12, and pgs. 16-20).

As per claim 5, Casagrande discloses a data storage system having at least one storage device for storing a file, the data storage system comprising:

- a destination data mover (abstract, and pg. 7, lines 4-12); and
- a source data mover, communicatively coupled to at least one storage device, that determines, according to characteristics of the file, whether to send the file to the destination data mover in chunks along with header information containing processing

Art Unit: 2157

information regarding the chunks (abstract, pg. 2, lines 4-21, pg. 6, lines 21-24, pg. 7, lines 1-12, and pgs. 16-20).

As per claim 6, Casagrande discloses:

- wherein the source data mover determines whether to send the file in chunks along with header information according to the file format (abstract, pg. 2, lines 4-21, pg. 6, lines 21-24, pg. 7, lines 1-12, and pgs. 16-20).

Response to Arguments

2. Applicant's arguments with respect to claim 1-6 have been considered but are moot in view of the new ground(s) of rejection.

In response to Applicant's amendment filed on May 8, 2003, the following factual arguments are noted:

- a. Yanai, Crockett, and Ebrahim do not disclose or together suggest a system including a destination data mover and a source data mover, communicatively coupled to the at least one storage device, that analyzes the file to determine whether to send the file to the destination data mover in chunks.
- b. The Applicant respectfully disagrees that Ebrahim even implicitly discloses analyzing a file to determine whether to send the file to the destination data mover in chunks.
- c. Yanai does not disclose or even suggest using a data mover. Further, Yanai does not disclose or suggest analyzing a file to determine whether to send the file to a destination data mover in chunks.

Art Unit: 2157

- d. Crockett does not disclose or even suggest using a data mover to send the file to a destination mover in chunks.
- e. Neither Yanai nor Crockett contain any suggestion or hint to use a technique which the examiner admits is at best only implicitly taught by Ebrahim.
- f. Yanai, Ebrahim, and Crockett do not disclose the elements in claim, including a destination data mover and a source data mover, communicatively coupled to at least one storage device that sends a file to the destination data mover in chunks along with header information instructing the destination data mover regarding the chunks.
- g. Yanai, Ebrahim, and Crockett do not disclose the elements in claim 3, including a data storage system comprising a destination data mover and a source data mover, communicatively coupled to the at least one storage device, for determining, according to characteristics of the file, whether to send the file to the destination data mover in chunks.
- h. Yanai, Ebrahim, and Crockett do not disclose the elements in claim 5, including a data storage system comprising a destination data mover and a source data mover, communicatively coupled to the at least one storage device, that sends the file to the destination mover in chunks, according to file characteristics, along with header information instructing the destination data mover regarding the chunks.

In considering (a)-(h), Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2157

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 5,301,351 to Jippo.

U. S. Patent No. 5,682,513 to Candelaria.

U. S. Patent No. 4,296,465 to Lemak.

U. S. Patent No. 5,559,957 to Balk.

U. S. Patent No. 6,275,953 to Vahalia.

U.S. Patent No. 5,805,920 to Sprenkle et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494.

The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs
Examiner
Art Unit 2157

Application/Control Number: 09/495,751

Page 7

Art Unit: 2157

ltj

June 26, 2003


ARIC ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100